

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed May 17, 2006. In order to advance prosecution of the present Application, Claims 9-16 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 9-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Izawa, et al. Independent Claims 9-12 recite in general a single packet comprising a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section. By contrast, the Izawa, et al. patent merely shows that the header, payload, and trailer sections of an L3-PDU can be placed into the payload of multiple L2-PDUs. Thus, an individual L3-PDU encapsulates a single header section, a single payload section, and a trailer section. Similarly, an individual L2-PDU encapsulates a single header section, a single payload section, and a trailer section. Thus, the Izawa, et al. patent fails to disclose an individual packet data unit, either a L3-PDU or a L2-PDU, that encapsulates all of a first header section, an associated first payload section, a second header section, an associated second payload section, and a trailer section as required by the packet of the claimed invention. The Examiner argues that the L2 unit includes a BOM with a header section, payload section, and an EOM with a header section, a payload section, and a trailer section. However, the BOM and EOM are separate packets. Thus, the Izawa, et al. patent does not provide a single packet with a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the

second header section, and a trailer section as required by the claimed invention. Support for the above recitation can be found at FIGURE 6 of Applicant's specification. Therefore, Applicant respectfully submits that Claims 9-12 are not anticipated by the Izawa ,et al. patent.

Claims 13-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Izawa, et al. in view of Gupta, et al. Claims 13-16 have been amended to depend from allowed Independent Claims 1, 3, 5, and 7. Therefore, Applicant respectfully submits that Claims 13-16 are patentably distinct from the proposed Izawa, et al. - Gupta, et al. combination.

Applicant notes with appreciation the allowance of Claims 1-8 and 17-20.

Applicant respectfully requests the Examiner to provide an indication that the documents cited in the Information Disclosure Statement of August 14, 2003 have been considered during the examination of this Application.

CONCLUSION

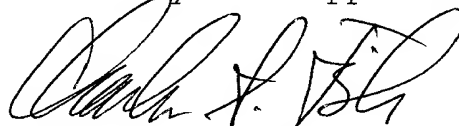
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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